

III. REMARKS

Claims 1,13,19,23,25 and 27 are objectionable.

These claims, as well as other claims, have been amended to correct the minor informalities noted by the Examiner, as well as other such informalities. This it is respectfully submitted that they are no longer objectionable.

Claims 1-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claims the subject matter which applicant regards as the invention.

The Examiner is partially right in one of the conjectures on page 4 of the last Office Action: "...selection of the number of bursts would be equivalent to selecting same number of corresponding time slots...", but it is respectfully submitted that the Examiner does not understand that the "bursts in the certain time slot" and "certain time slot relating to one burst" as claimed define a scenario in which the "certain time slot" is not in a physical sense a single, unique time slot occurring once in history, but a plurality of slots within consecutive frames, the plurality of slots having the same time slot number; in that sense they represent the same, certain time slot.

Thus, selecting the number of bursts really corresponds to selecting the number of time slots from a certain standpoint. However, the claimed features are not contradictory as they together define the scenario of the

invention in a complementary manner. And to be exact, the Examiner states on page 5 that the claimed "selecting the number of bursts in said certain time slot" is contradictory with the "certain time slot relating to one burst"; that's maybe true but applicant actually claimed "selecting the number of bursts in...time slots", which is a clearer expression.

The claims have been amended to recite that the certain time slots have the same time slot number to clarify the relationship between the bursts (which are in the certain time slots) and the time slots as requested by the Examiner. Further, "packet data channel" has been clarified and is supported by page 4, lines 7-23.

Thus the rejection of claims 1-27 under 35 U.S.C. 112, second paragraph, should be withdrawn.

Claims 1-27 are rejected under 35 U.S.C. 112, first paragraph, because the specification does not reasonably provide enablement for the selection of the number of radio burst in time slot.

Most instances of the word "sequential" have been deleted. Further, the last feature of claim 1 ("selecting...") is clearer when the reference to the time slots and frames is deleted; such deleted relationships are still implicitly present due to the reference to the "said number of packet data connections on said packet data channel", which restricts the selection of bursts to the certain time slots as defined earlier in the claim.

Regarding the "missing" motivation behind the selection of bursts as questioned by the Examiner, the selection reflects the amount of data to be transferred and available data transfer resources. This is implicitly evident to one of ordinary skill in the data transfer art.

The Examiner may question why applicant did not simply claim the selection to occur on the basis of time slots, if one time slot is always transmitted by utilizing a single burst. Why does applicant define the issue by mentioning both the time slots and the bursts then?

The reason is that as the claims as initially filed utilized bursts and so did the whole description, applicant naturally wants to preserve the original wording and keep it maximally consistent with the description, but due to the primary prior art (Scheibel), applicant had to limit the claims in a manner that still dynamically selects the number of bursts for sending a data block of a packet data connection on the packet data channel, but applicant does not perform the selection WITHIN a frame and BETWEEN different TIME SLOTS thereof like Scheibel explicitly teaches. (Scheibel tells how the number of different time slots within a frame for sending a data packet can be dynamically selected). Instead, applicant utilizes a "serial" approach in which the number of bursts transmitted in the time slots, each of which relating to one burst and having the same time slot number, in a sequence of consecutive frames can be dynamically selected for sending the data block. Therefore, applicant defined the packet data channel, in addition to the bursts, also via the time slots in order to impress on a skilled reader that the selection part of the current invention never occurs

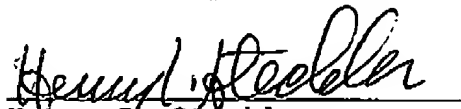
between different time slots (having different time slot numbers) of a frame like in Scheibel.

Thus the rejection of claims 1-27 under 35 U.S.C. 112, first paragraph, should be withdrawn.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,



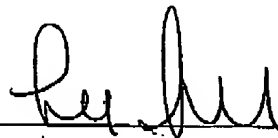
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